

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 21-MJ- 4010

TIMOTHY WRIGHT and ALICIA WRIGHT,

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about July 29, 2020, in the County of Wayne, in the Western District of New York, the defendants, TIMOTHY WRIGHT and ALICIA WRIGHT, violated Title 21, United States Code, Sections 846 (conspiracy to possess with intent to distribute, and to distribute, 50 grams or more of a mixture and substance containing methamphetamine) and 841(a)(1) (possession with intent to distribute 50 grams or more of a mixture and substance containing methamphetamine) said offenses described as follows:

The defendants did knowingly, willfully, and unlawfully conspire to possess with intent to distribute, and to distribute, 50 grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 846; and did possess with intent to distribute 50 grams or more of a mixture and substance containing methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on:

Date: January 20 2021

City and State: Rochester, New York


Complainant's signature
Special Agent Kathryn Gamble,
Homeland Security Investigations
Printed name and title


Judge's signature
MARIAN W. PAYSON
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:
CITY OF ROCHESTER)

KATHRYN M. GAMBLE, being duly sworn, deposes and states:

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI). I have been employed as a Special Agent since June 2008. I am currently assigned to the Buffalo, New York office. As a Special Agent, I am a federal law enforcement officer within the meaning of Title 18, United States Code, Section 2510(7), an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, the offenses enumerated in Title 21, United States Code, Sections 841, *et seq.*

2. During my law enforcement career, I have participated in investigations targeting the smuggling, trafficking, and distribution of controlled substances. As part of my employment with HSI, I successfully completed the Federal Law Enforcement Training Center Criminal Investigator Training Program and U.S. Immigration and Customs Enforcement Special Agent Training, both of which included intensive instruction on drug enforcement, including application for and execution of, search and arrest warrants, as well as application for criminal complaints, and other legal process. I am familiar with how controlled substances are obtained, diluted, packaged, distributed, sold and used within the framework of drug smuggling and how drug smugglers use other persons and/or their personal property to facilitate their illegal activities.

3. I make this Affidavit in support of an application for a Criminal Complaint charging Timothy WRIGHT and Alicia WRIGHT with violating Title 21, United States

Code, Sections 846 (conspiracy to possess with intent to distribute, and to distribute, 50 grams or more of a mixture and substance containing methamphetamine) and 841(a)(1) (possession with intent to distribute 50 grams or more of a mixture and substance containing methamphetamine). Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Timothy WRIGHT and Alicia WRIGHT violated the above-listed offenses.

4. In July 2020, the Seneca County Sheriff's Office (SCSO) and the Ontario County Sheriff's Office (OCSO) identified Alicia WRIGHT as a methamphetamine dealer. Based on this information, the SCSO, OCSO, and Wayne County Sheriff's Office (WCSO) conducted one (1) controlled purchase of methamphetamine from Alicia WRIGHT and subsequently executed two (2) New York State search warrants.

5. On or about July 29, 2020, a WCSO Undercover Officer (UC) conducted a controlled purchase of methamphetamine from Alicia WRIGHT. The UC was fitted with a listening/recording device and was issued pre-recorded United States currency to make the purchase. Surveillance units followed the UC to 135 Garfield St., Phelps, NY while maintaining visual contact of the UC and surrounding area for security and surveillance purposes. Upon arrival to 135 Garfield Street, surveillance units observed Alicia WRIGHT's vehicle, a 2011 GMC Terrain, bearing license plate NY/JNZ-8618 parked around the corner at 204 Bear Street. The UC sent a text message to Alicia WRIGHT to let her know that he had arrived.

6. Surveillance units observed Alicia WRIGHT exit 204 Bear Street and drive around the corner to 135 Garfield Street where she met the UC, and they both entered 135 Garfield Street. Law enforcement monitored the conversation between Alicia WRIGHT and the UC regarding the drug sale via the listening/recording device. The UC transferred the pre-recorded United States currency to Alicia WRIGHT in exchange for the suspected narcotics. The UC departed the residence and exited the property. Surveillance units maintained surveillance of 135 Garfield Street and after a brief time they observed Alicia WRIGHT depart the residence, enter her vehicle, and drive back to 204 Bear Street, where she entered the residence.

7. At a secure location, the UC transferred custody of the suspected narcotics to other members of law enforcement. The suspected narcotics were field tested and tested positive for methamphetamine. The approximate weight was determined to be 27.8 grams. I am aware that methamphetamine is a Schedule II controlled substance.

8. OCSO investigators conducted queries to determine the owner of 204 Bear Street. They confirmed the owner to be Timothy WRIGHT. Timothy WRIGHT is a known boyfriend of Alicia WRIGHT. It should be noted that they are not married and the fact that they share the same surname is coincidental. Both Alicia WRIGHT and Timothy WRIGHT are known to reside at 204 Bear Street and provided that address as their home address subsequent to arrest.

9. On July 29, 2020, Ontario County Judge Frederick G. Reed, approved a New York State search warrant authorizing the search of 135 Garfield St., Phelps, NY and 204 Bear St., Phelps, NY.

10. On July 29, 2020, at approximately 6:00 p.m., the OCSO executed the search warrants at 135 Garfield Street and 204 Bear Street. During the search of 204 Bear Street, all of the pre-recorded United States currency was located in a locked safe. Both Timothy WRIGHT and Alicia WRIGHT told investigators only Timothy WRIGHT had access to the safe. Also discovered within the residence, among other things, were three (3) containers that contained suspected methamphetamine.

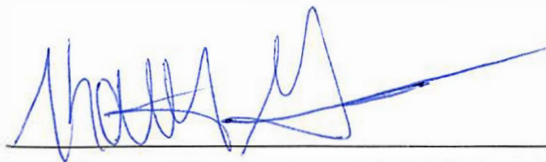
11. OCSO Investigators transported both Timothy and Alicia WRIGHT to their office for interviews.

12. On July 29, 2020, at approximately 6:55 p.m., Timothy WRIGHT was advised of his Miranda rights, which he waived before speaking to OCSO investigators. During the recorded interview of Timothy WRIGHT, he admitted that he purchases methamphetamine off of the Dark Web and sells it for profit. He said he assisted with the sale of methamphetamine that took place on July 29, 2020 between Alicia WRIGHT and the UC. He weighed the methamphetamine, gave it to Alicia WRIGHT, and told her how much to charge for it.

13. On July 29, 2020, at approximately 7:59 p.m., Alicia WRIGHT was advised of her Miranda rights, which she waived before speaking with OCSO investigators. During the recorded interview of Alicia WRIGHT, she stated that upon the conclusion of her methamphetamine sale on July 29, 2020, she turned the money from the sale over to Timothy WRIGHT, and he put the money into the safe.

14. The OCSO submitted the three (3) containers of suspected methamphetamine that were seized from 204 Bear Street to NMS Labs for testing. On September 10, 2020, a forensic chemist confirmed that all three (3) exhibits are methamphetamine. The total weight of the three (3) exhibits is 64.44 grams.

WHEREFORE, based on the foregoing, your affiant respectfully submits that probable cause exists to believe that Timothy WRIGHT and Alicia WRIGHT have violated Title 21, United States Code, Sections 846 (conspiracy to possess with intent to distribute, and to distribute, 50 grams or more of a mixture and substance containing methamphetamine) and 841(a)(1) (possession with intent to distribute 50 grams or more of a mixture and substance containing methamphetamine). Further, it is requested that this affidavit, complaint, and arrest warrant, as it reveals an ongoing investigation, be sealed until further order of the Court in order to avoid premature disclosure of the investigation, guard against fugitives, and better ensure the safety of law enforcement.



SPECIAL AGENT KATHRYN M. GAMBLE
DEPARTMENT OF HOMELAND SECURITY
HOMELAND SECURITY INVESTIGATIONS

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P 4.1 and 4(d) on this 20 day of January 2021.


HONORABLE MARIAN W. PAYSON
United States Magistrate Judge